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| APPLICATION NO.                                                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/882,810                                                                | 06/14/2001  | Shannon J. Chan      | MS1-789US           | 7986             |
| 22801                                                                     | 7590        | 05/31/2005           | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      | ARANI, TAGHI T      |                  |
|                                                                           |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                           |             |                      | 2131                |                  |

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/882,810             | CHAN ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Taghi T. Arani         | 2131                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3/14/2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date August 29, 2003.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-29 have been examined and are pending.

### **Response to Amendment**

2. Applicant's arguments filed 3/14/2005 regarding the rejection of the claims 1-29 under 35 U.S.C. 102 and 103 have been fully considered but they are not persuasive.

As per independent claims 1, 13, 19, 24 and 27, the Applicant merely argues that the cited prior art of Spies does not describe exchanging keys between a DVD drive and any other component and that it does not disclose passing one or more keys from a DVD. The Applicant admits (page 12 of the REMARKS) of Spies discussing various types of keys and communication of keys between different components, including servers and clients, but argues that Spies does not disclose passing keys from DVDs (page 9 of the REMARKS).

The Examiner responds that independent claims 1,13,19,24 and 27 are rejected based on U.S.C. 102 (b) and the functional elements of exchanging keys were found to be substantially anticipated by Spies, where program key is exchanged between purchaser and merchant units using pair of public and private exchange keys (col. 3, lines 19-51, see also col. 11, lines 46+) to obtain decryption capabilities.

As for dependent claims 2-12, 14-19, 20-23, 25-26 and 28-29, the Applicant argues based on their dependencies on the independent claims. Dependent claims 2-12, 14-19, 20-23, 25-26 and 28-29 are also rejected based on the rejection of base claims and the secondary reference of Powerfile as addressed in the previous office action and in this Office action as below.

**Claim Rejections - 35 USC ' 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –

(b) the invention v,/as patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6-11, 12, 13, 17, 18-21, 23, 24, 25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Spies et al, hereinafter Spies (USP 6,055,314).

**As per claim 1,** Spies teaches a server device including a DVD drive, wherein the server device further includes a key exchange server, and wherein a DVD is accessible to the DVD drive (col., 3, lines 44-50); a client device coupled to the server device via a network, the client device including a key exchange client and a decoder (col. 2, lines 32 and 59); and wherein the key exchange client and the key exchange server communicate with one another to pass one or more keys from the DVD to the key exchange client to allow the decoder to decrypt content received, via the network, from the DVD (col. 3, lines 40-45).

**As per claim 13,** Spies teaches receiving a request, from a remote client computing device, to obtain one or more keys located on a removable storage medium readable by the server device (col. 13, lines 24-30), wherein the one or more keys are for decrypting content on the removable storage medium (col. 12, lines 25-30); obtaining the one or more keys from the removable storage medium (col. 12, lines 911); and communicating the one or more keys to the remote client computing device (col. 12, lines 25-30).

**As per claim 19,** Spies teaches receiving, from a media player executing on the computing device, a request to perform at (East part of a key exchange process with a disc drive in order to decode media content on a disc accessible to the disc drive (col. 13, line 24-30); and communicating, with a remote server at which the disc drive is located, to obtain one or more keys from the disc that can be used at the computing device to decode the particular media content (col. 12, lines 8-30).

**As per claim 24,** Spies teaches a server component configured to receive Content Scrambling System (CSS) key requests from a client component on a client device via a network; and wherein the server component, in conjunction with the client component, operates as an intermediary between a DVD player on the client device and a DVD drive on the server device (col., 12, lines 8-53).

**As per claim 27,** Spies teaches a key exchange server component configured to interact with a key exchange client component on a remote client system in order to exchange Content Scrambling System (CSS) keys between a DVD drive of the system and the key exchange client component; and wherein the CSS keys are exchanged for use by a DVD content player implemented completely at the remote client system (col. 12, lines 8-53).

**As per claim 3,** Spies teaches the decoder has no knowledge that the DVD drive is included as part of the server device (col. 12, lines 25-30).

**As per claims 4, 17, 25, and 28,** Spies teaches the key exchange server comprises a remote procedure call (RPC) server (col. 6, line 35).

**As per claim 6,** Spies teaches the network comprises a public network (col. 2, lines 60-63).

**As per claim 7**, Spies teaches the network comprises a home network (col. 9, line 4).

**As per claim 8**, Spies teaches the k-3vs are used to for DVD movie content. DVD movies are protected by CSS, therefore. this limitation is inherently taught by Spies.

**As per claim 9**, Spies teaches the decoder is implemented as part of a media content player implemented completely on the client device (col. 9, lines 18-20).

**As per claim 10**, Spies teaches the decryption of DVD movies. The standard for DVD movie includes using region information in the decryption algorithm. Therefore Spies teaches this limitation.

**As per claim 11**, Spies teaches at least one of the keys is specific to a media content player incorporating the decoder, and wherein the server component obtains, based on information received from the client component, the appropriate key for the media content player (col. 12, lines 9-15).

**As per claims 18 and 23**, Spies teaches one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 13 (col. 12, line 8).

**As per claim 20**, Spies teaches the disc comprises an optical disc (col. 12, line 53).

#### **Claim Rejections - 35 USC ' 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 12, 14, 15, 16, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies in view of PowerFile C20 FAQs, hereinafter PowerFile.

**As per claims 2, 15, 26, and 29,** Spies teaches that the user can download videos from DVD but is silent in explicitly disclosing the DVD come from a DVD changer. Powerfile teaches a device whereby remote users can download DVD content from a DVD changer over a network (page 2). In view of this it would have been obvious to one of ordinary skill in the art at the time or the invention to employ the teachings of PowerFile within the system of Spies because DVD can be safely stored in DVD changers and are accessible to authorized user.

**As per claims 12, 14, and 16,** Spies is silent in disclosing that the server and client of a video on demand system are executing on a Windows operating system. Powerfile's DVD on demand system are executing on Windows operation systems. In view of this it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the teachings of Powerfile within the system of Spies because PC are operated by Windows' systems.

Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies in view of a description of DirectShow ([www.compressionworks.com](http://www.compressionworks.com)).

**As per claims 5 and 22,** Spies teaches that the client uses a media application to view the downloaded content. Spies is silent in disclosing that the media application is DirectShow. DirectShow is a user application, which accepts streamed Video such as MPEG. MPEG is the data compression method used on DVD video. In view of this it would have been obvious to one

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of ordinary skill in the art at the time of the invention to employ the teachings of DirectShow within the system Spies because Spies teaching streaming DVD content and DirectShow is a capable user application which performs this functionality.

**Action is Final**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

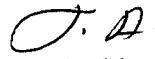
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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